

MEMO ENDORSED



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October 1, 2021

BY ECF

Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Carwell v. The City of New York, et al., 21-cv-00480(VEC)

Your Honor:

I am the Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, representing the defendants in the above-referenced matter. Defendants write to respectfully request a brief adjournment of the October 8, 2021 Initial Conference in this matter to a date and time convenient for the Court after October 12, 2021. Should the Court be inclined to grant the aforementioned request, defendants also respectfully request a corresponding extension of the deadline to file the parties' proposed Case Management Plan one week prior to the date of the Initial Conference. This is the first adjournment request of the Initial Conference and plaintiff's secondary counsel, Sameer Nath,¹ consents to the aforementioned requests.

By way of background, on September 24, 2021 the undersigned sent an email correspondence to plaintiff's purported counsel, Michael Pinkard, inquiring into whether plaintiff would consent to a brief adjournment of the October 8, 2021 Initial Conference, due to the undersigned being out of the office and traveling on October 8, 2021. The undersigned also inquired into Mr. Pinkard's scheduling. After receiving no reply, the undersigned sent a second email correspondence to Mr. Pinkard on September 27, 2021 to follow up on the aforementioned requests and inquires. Again after receiving no reply, the undersigned emailed Mr. Pinkard a third time on September 29, 2021, and also copied plaintiff's secondary counsel Sameer Nath on the correspondence.

¹ Mr. Nath had previously emailed the undersigned, at the very begging of this matter, indicating that Michael Pinkard was the "handling attorney" from the Sim & DePaola LLP firm.

On September 30, 2021 the undersigned received an email response from Mr. Nath stating, "Please be advised that Mr. Pinkard is no longer with the firm. That said, Plaintiff consents to your request for an adjournment." This September 30, 2021 email was the first the undersigned was ever informed that Mr. Pinkard was no longer handling the above-referenced matter. Furthermore, Mr. Pinkard, as the "handling attorney," has been the only counsel the undersigned has communicated with regarding this matter and was also the only attorney who participated in the August 26, 2021 mediation. At no point between August 26, 2021 through September 29, 2021 was the undersigned ever informed that Mr. Pinkard had left the firm, Sim & DePaola LLP, and was no longer handling the above-referenced matter. Finally, as of the date of this filing, Mr. Pinkard's name still remains on the Civil Docket as counsel for plaintiff Carwell.

The reason for this adjournment request is that the undersigned will be out of the office and traveling on October 8, 2021 and is not available again until after October 12, 2021. Accordingly, defendants respectfully request, with the consent of plaintiff's counsel, to an adjournment of the October 8, 2021 Initial Conference to a date and time convenient for the Court after October 12, 2021.

The undersigned apologizes for the belatedness of this request, however, due to a large discovery deadline I was handling in a separate matter yesterday, I was not able to file a letter with the Court following my receipt of Mr. Nath's email correspondence. I apologize for any inconvenience this may have caused the Court. Should the Court be inclined to grant the aforementioned request, defendants also respectfully request a corresponding extension of the deadline to file the parties' proposed Case Management Plan to one week prior to the date of the Initial Conference. Furthermore, in an effort to assist the Court in scheduling the requested adjournment of the Initial Conference, the undersigned is available on October 15, 18, and 20-22; however is not available on October 14 or 19, 2021.

Thank you for your time and consideration.

Respectfully submitted,

Morgan C. McKinney, Esq.
Morgan C. McKinney, Esq.
Assistant Corporation Counsel

cc: VIA ECF
Sameer Nath, Esq.
Attorney for Plaintiff

Application GRANTED. The initial pretrial conference scheduled for October 8, 2021 is adjourned to **October 22, 2021 at 11:30 a.m.** The parties' joint submission is due by **October 14, 2021**. The parties should appear for the conference by dialing 888-363-4749, using the access code 3121171 and the security code 0480.

Plaintiff must file a letter on ECF by **October 6, 2021** clarifying who is representing him.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni", is written over a horizontal line.

10/4/2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE